

Message Text

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ACTION L-03

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E.O. 11652: N/A

TAGS: ENRG, PARM, TECH, IAEA, JA

SUBJECT: DRAFT CONVENTION ON PHYSICAL PROTECTION: JAPANESE COMMENTS

REF: VIENNA 5079 (NOTAL)

SUMMARY: THIS MESSAGE TRANSMITS, AND REQUESTS GUIDANCE ON, A
NUMBER OF QUERIES RECEIVED FROM JAPANESE MISSION
RE CERTAIN PROVISIONS OF SUBJECT DRAFT CONVENTION. END SUMMARY.

1. SHORTLY AFTER MEETING REPORTED REFTEL, MISOFF WAS
APPROACHED BY JAPANESE COUNSELLOR (T. SASAKI) WHO,
ON INSTRUCTIONS FROM TOKYO, POSED SERIES OF QUESTIONS
WITH RESPECT TO SPECIFIC ARTICLES OF U.S. DRAFT CONVENTION.
SASAKI AFFIRMED THAT GOJ EMBASSY WASHINGTON HAD NOT
RPT NOT BEEN ADDRESSEE ON CABLE HIS MISSION HAD RECEIVED.

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2. WHILE MISOFF WAS ABLE TO RESPOND TO SOME OF THESE
QUESTIONS TO SASAKI'S SATISFACTION, CLARIFICATION FROM
DEPT IS REQUESTED ON FOLLOWING:

(A) ARTICLE IV, PARAS 1-3: HOW WOULD USG PRECISELY
DEFINE STARTING AND TERMINATION POINTS OF QUOTE
INTERNATIONAL TRANSFER UNQUOTE, E.G. FRONTIER OF

ORIGINATING STATE TO FRONTIER OF TERMINATING STATE,
FACILITY TO FACILITY, ETC?

(B) ARTICLE IV, PARA 3: WHAT PRECISE SET OF CIRCUMSTANCES
ARE UNDERSTOOD TO COMPRISE QUOTE HOLDING AND STORAGE
INCIDENT TO UNQUOTE INTERNATIONAL TRANSFER?

(C) ARTICLE IV, PARA 3-4: ACCORDING TO SASAKI, WHILE
GOJ RECOGNIZES THAT VARIOUS PHYSICAL PROTECTION MEASURES
SPECIFIED FRO RESPECTIVE CATEGORIES OF NUCLEAR MATERIAL
ARE DRAWN DIRECTLY FROM LONDON GUIDELINES, IT BELIEVES
THAT AN INTERNATIONAL CONVENTION REQUIRES MORE PRECISE
LANGUAGE. AT MISOFF SUGGESTION, SASAKI UNDERTOOK TO
SEEK ALTERNATIVE WORDING FROM TOKYO.

(D) ARTICLE V, PARA 1: SOME TIME AGO, USG OFFICIALS
SUGGESTED TO JAPANESE IN WASHINGTON ESTABLISHMENT OF
LIAISON FOR CONTACT IN EVENT OF QUOTE NUCLEAR
EMERGENCY. UNQUOTE. WOULD THIS BE SAME QUOTE POINT OF
CONTACT UNQUOTE VISUALIZED IN THIS PARAGRAPH?

(E) ARTICLE VI, PARA 1: UNDER JAPANESE LAW, PENALTIES
FOR GENERIC CRIMES OF THEFT, INTENTIONAL DAMAGE TO
PROPERTY, UNLAWFUL ENTRY, ETC ARE RELATIVELY LIGHT.
IS IT ENVISAGED THAT PARTIES TO CONVENTION WOULD BE
REQUIRED TO ESTABLISH MINIMUM OR STANDARD PUNISHMENTS
FOR OFFENSES SPECIFIED?

(B) ARTICLE VI, PARA 2: CAN IT BE ASSUMED THAT IF
OFFENSE COMMITTED WHILE NUCLEAR MATERIAL OR TRANSPORT
NOT RPT NOT INVOLVED IN INTERNATIONAL TRANSFER,
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PROVISIONS OF ARTICLES IX, X, AND XI OF CONVENTION WOULD NOT
APPLY?

(G) ARTICLE VII, PARA 1: WHAT QUOTE CIRCUMSTANCES
UNQUOTE ARE CONSIDERED BY USG AS WARRANTING THE TAKING
OF QUOTE APPROPRIATE MEASURES UNQUOTE.

3. PLEASE ADVISE. STONE

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